

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

JANIE RIVAS, et al. §
§
v. § CIVIL ACTION NO. G-96-493
§
MONSANTO COMPANY, et al. §

ORDER

Before the Court is the Report and Recommendation of the United States Magistrate Judge that was entered on March 14, 2005. Plaintiffs have filed their Objections, and the Defendants have responded in a timely manner. Plaintiffs' Objections largely re-present arguments and documents already considered by the Magistrate Judge. Insofar as Plaintiffs argue that the Magistrate Judge failed to consider certain documents or evidence, the Objection is clearly without merit. After a thorough review of the records and briefs in this case, the Court reaches the same conclusions as the Magistrate Judge.

Having given this matter *de novo* review under 28 U.S.C. § 636(b)(1)(C), this Court finds that the Report and Recommendation should be, and hereby is, **ACCEPTED** in its entirety.

Accordingly, it is **ORDERED** that the following Motions by Defendant Pharmacia Corporation f/k/a Monsanto Company are **GRANTED**: (1) Motion to Dismiss Fraud Claims (Instrument No. 270); Summary Judgment Based on Medical Causation (Instrument No. 300); Partial Summary Judgment on Fraud and Negligent Misrepresentation (Instrument No. 305); Partial Summary Judgment on Negligence Per Se (Instrument No. 307); Motion Concerning Fear of Future

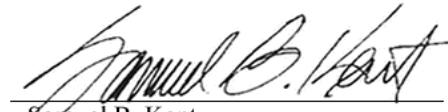
Disease (Instrument No. 308); Summary Judgment for Lack of Evidence on Causation in Fact (Instrument No. 311); and Summary Judgment Regarding Medical Monitoring Claims (Instrument No. 312).

Monsanto's Motion for Summary Judgment for Lack of Duty and Causation (Instrument No. 309) is **DENIED** as **MOOT**.

It is further **ORDERED** that the following Motions filed by Defendants Amoco Chemical Company, the Atlantic Richfield Company, Chevron Chemical Company, and Hoechst Celanese Corporation are **GRANTED**: (1) Motion to Dismiss Fraud Claims (Instrument No. 271); Motion for Summary Judgment (Instrument No. 321); and Motion to Strike Plaintiffs' Expert (Instrument No. 322).

IT IS SO ORDERED.

DONE at Galveston, Texas this 25th day of May, 2005.



Samuel B. Kent
United States District Judge